

ATTORNEY ADMISSION PACKET CONTENTS

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IF COUNSEL IS REQUESTING THE COURT TO MAIL THE ABOVE PACKET, PLEASE HAVE THE ATTORNEY SEND THE COURT A PRE-ADDRESSED (11x14) ENVELOPE WITH PRE-PAID POSTAGE IN THE AMOUNT OF \$4.00 TO COVER MAIL COSTS.

Note: The Local Rules of the Northern District are available in electronic format on our Web Site at www.nynd.uscourts.gov

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF NEW YORK

NEWLY ADMITTED ATTORNEYS

The Judiciary and the Clerk of Court and his staff welcome you as a practitioner to the United States District Court for the Northern District of New York. We feel this is a very special occasion and it is in no way merely a perfunctory matter. We take note of every attorney and we genuinely wish you well.

You are being presented today with a package of information that will help you in your practice before this Court. Most important among this information is a copy of the Local Rules of the United States District Court for the Northern District of New York. It is imperative that you are familiar with these Local Rules and General Orders.

Significant enclosures: Criminal Justice Act / Pro Bono Application Form; JS-44 Civil Cover Sheet; Summons Form; Pro Bono Voucher Form; PACER (Public Access to Court Electronic Records) Application; Fee Schedule; Subpoena Form; and Attorney Registration Statement Form.

For your information, your name will be added into our computerized mailing system. Whenever the court generates an informational mailing to Northern District practitioners, you will be included in those mailings. Pursuant to Local Rule 83.1(h) we will assign a bar roll number to you; the bar roll number must appear on all filings and correspondence submitted to the Court.

A supplemental statement of any changes in the foregoing information must be filed within ten (10) days of such change. It is imperative that you keep the Court informed of any changes to your registration form to ensure the proper service by the Clerk's office of all court notices, orders and correspondence.

Again, welcome, and please feel free to contact any of our clerks' offices in Albany, Binghamton, Syracuse or Utica if you should need any additional information or assistance.

FREDERICK J. SCULLIN, JR.
Chief U.S. District Court Judge

LAWRENCE K. BAERMAN
Clerk of Court

INSTRUCTIONS FOR ADMISSION TO THE NORTHERN DISTRICT OF NEW YORK
PLEASE READ LOCAL RULE 83.1 ON ADMISSIONS

1. **Complete the Attorney Registration form.** This will enable the clerk's office to assign you a bar roll number and enter you in our attorney database for any action which you appear as attorney of record, or to receive future mailings regarding new rules and other general court announcements.

2. **Complete the Petition for Admission to Practice.** Please make sure that it is signed, dated and notarized. Include a current (within the past six months) **original** certificate of good standing from the New York State Appellate Division. If you are not a member of the New York State Bar, please submit a current (within the past six months) **original** certificate of good standing from another federal court (outside of New York State), or highest court in the state where you regularly practice law. If admitted to practice in another federal district court outside of New York State, See N.D.N.Y. Local Rule 83.1(d).

Note: Applicants who are members in good standing of a United States District Court for the Eastern, Western, or Southern District of New York need not appear for formal admission. Please send in the admission fee together with a Verified Petition, an original Certificate of Good Standing from the United States District Court where you are a member (must be dated within the last six months), Attorney Registration Statement, along with a proposed order granting the admission. A sponsor's affidavit is not required. See N.D.N.Y. Local Rule 83.1(c).

3. **Sponsor's Affidavit.** Must be completed by an attorney who is admitted in good standing to practice in the Northern District of New York, and who has personal knowledge of your background and character. The sponsor must appear with you for admission.

4. **Admission Fee.** Include the appropriate admission fee. Checks are payable to: Clerk, U.S. District Court.

\$80.00 - Permanent Admission

\$30.00 - Pro Hac Vice Admission (for each case in which you appear)

See the reverse side of this notice for additional information on Pro Hac Vice Admissions.

5. **Select an Admission Date.** Judges entertain admissions on their regularly scheduled motion days. See the listing of motion days, times and locations included with this packet. Be sure to select a date that is agreeable with your sponsor and include it in a covering letter to the clerk.

6. Send the completed admission papers to the Clerk's Office at the location where you will be admitted. Be sure to include the following:

- ◆ Petition for Admission
- ◆ Sponsor's Affidavit
- ◆ Attorney Registration Form
- ◆ Certificate of Good Standing (dated within the past six months)
- ◆ Admission Fee
- ◆ CJA/Pro Bono Application Form (Optional)
- ◆ Application for ADR Appointment (Optional)

Additional Information for Admission Pro Hac Vice

See N.D.N.Y. Local Rule 83.1(e)

Pro Hac Vice Admission by Motion:

Note: No appearance is necessary for this type of admission.

- ◆ The sponsoring attorney, that is, an attorney already admitted to practice in the Northern District of New York, submits the following:
 - A Motion for Pro Hac Vice Admission of the applicant, please include the Case Caption and Assigned Judge.
 - A Proposed Order for signature by the Assigned Judge.

In addition to the motion for admission Pro Hac Vice, the applicant must also complete the following:

- ◆ Petition for Admission to Practice.
- ◆ Affidavit of Sponsor
- ◆ Attorney Registration Form - Please note the case number and assigned judge.
- ◆ Certificate of Good Standing
- ◆ Include a check payable to the "Clerk, U.S. District Court" in the amount of \$30.00

ORAL Application for Pro Hac Vice Admission:

When an attorney requesting to be admitted Pro Hac Vice cannot follow the formal application process by motion as noted above, the applicant may be admitted to practice in this district upon an oral motion made in open court. The motion is made by the sponsoring attorney on the record. Immediately following the court proceeding, the applicant must report directly to the Clerk's Office to complete an Attorney Registration Form and Petition Form. The applicant must also immediately pay the \$30.00 Pro Hac Vice Admission Fee. A written notice of appearance must also be filed with the court in accordance with N.D.N.Y. Local Rule 83.2.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ATTORNEY REGISTRATION FORM

TITLE: Mr. _____ Mrs. _____ Miss _____ Ms. _____

NAME: _____
(Last) (First) (Middle)

FIRM NAME: _____

OFFICE ADDRESS: _____

BUSINESS TELEPHONE NUMBER: (____) - _____

FACSIMILE NUMBER: (____) - _____

ELECTRONIC (E-MAIL) ADDRESS: _____

List below the Bars of all states, territories, districts, commonwealths or possessions or other courts of the United States to which you are admitted and the dates of such admissions.

BARS

DATES

TYPE OF ADMISSION TO THIS DISTRICT:

____ **PERMANENT** **DATE OF ADMISSION:** _____

____ **PRO-HAC VICE** **DATE OF ADMISSION:** _____

**For Pro-Hac Vice admissions please note the case number that you were admitted on:*

(Case Number)

DATED: _____ **SIGNATURE:** _____

NOTE: A supplemental statement of any changes in the foregoing information shall be filed within ten (10) days of such change. [Refer to Local Rules 10.1(b)2, 41.2(b) & 83.1 (e)] (Blank attorney registration forms are available on the court's website at www.nynd.uscourts.gov) Please check if this is a supplemental statement: (____)

FOR OFFICE USE ONLY: 1) ASSIGNED BAR ROLL NUMBER: _____)
2) DATE FEE PAID: _____ 3) RECEIPT NUMBER: _____

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

<hr/>	:	VERIFIED PETITION FOR
IN THE MATTER OF THE APPLICATION	:	ADMISSION TO PRACTICE
	:	
OF	:	
	:	
	:	
	:	
<hr/>		

**FOR ADMISSION TO PRACTICE BEFORE THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF NEW YORK**

_____, being duly sworn, deposes and says:

1. That I reside at _____, New York and
my office address is _____, New York.

2. That I was admitted to practice in the courts of the State of New York on
_____, _____, by the State Supreme Court, Appellate Division,
MONTH, DAY YEAR
_____ Department.

3. That I graduated from _____ Law School on
_____, _____, after having completed the required courses of study.
MONTH, DAY YEAR

4. That I have never been held in contempt of court, censured, suspended or disbarred by any court.

5. That I have read, and am familiar with: The Judicial Code (Title 28 U.S.C.); the Federal Rules of Civil Procedure and the Federal Rules of Evidence for the District Courts; the Federal Rules of Criminal Procedure for the District Courts; the Local Rules and General Orders for the Northern District of New York; and the Code of Professional Responsibility of the American Bar Association and will faithfully adhere thereto.

_____, be admitted to practice before the Bar of
this Court.

Dated: _____

[illegible]

this _____ day of _____, _____.

My Commission expires on _____

[illegible]

Attorney Bar Roll Number: Each admitted attorney will receive a Bar Roll number, please include this number under your signature line on all pleadings and correspondence filed with the Court. We appreciate your cooperation in this matter.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PETITION OF _____

**For Admission to the United States District Court
for the Northern District of New York.**

**AFFIDAVIT OF
SPONSOR**

STATE OF NEW YORK COUNTY OF _____

_____, being duly sworn deposes and says:

1. That I am an attorney associated with the law firm of _____
_____, and am a member in good standing with the United States District
Court for the Northern District of New York.

2. I make this affidavit in support of the admission of _____
_____.

3. I have known _____ since _____,
_____, and find him/her to be of high moral character and suitable for admission to the
United States District Court for the Northern District of New York.

(Sponsor)

Subscribed and Sworn to before me

this _____ day of _____, _____.

Signature - Notary Public

Printed Name - Notary Public

My Commission expires on _____

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CJA - PRO BONO PANEL APPLICATION FORM

PLEASE COMPLETE THE ATTACHED CRIMINAL JUSTICE ACT PANEL / PRO BONO PANEL APPLICATION IF:

- 1) YOU WISH TO BECOME A MEMBER OF THE CJA PANEL; or**
- 2) YOU WISH TO BECOME A MEMBER OF THE PRO BONO PANEL**

~~~~~

**PLEASE RETURN THE COMPLETED FORM TO:**

**LAWRENCE K. BAERMAN, CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
P.O. BOX 7367  
100 SOUTH CLINTON ST.  
SYRACUSE, NY 13261-7367**

**ATTN: TRACEY DONOVAN, DEPUTY CLERK**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CRIMINAL JUSTICE ACT  
ASSIGNED COUNSEL and CIVIL PRO BONO APPLICATION FORM

1) Name: \_\_\_\_\_  
(LAST) (FIRST) (MIDDLE INITIAL)

2) Firm Name: \_\_\_\_\_

3) Office Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (CITY) (STATE) (ZIP CODE)

4) County: \_\_\_\_\_ NDNY Bar Roll No: \_\_\_\_\_

5) Office Telephone No: (\_\_\_\_\_) \_\_\_\_\_ Fax Number: (\_\_\_\_\_) \_\_\_\_\_  
(AREA CODE) (PHONE NUMBER) (AREA CODE) (PHONE NUMBER)

6) Home Telephone No: (\_\_\_\_\_) \_\_\_\_\_ E-Mail Address: (\_\_\_\_\_) \_\_\_\_\_  
(AREA CODE) (PHONE NUMBER)

7)\* Federal Tax Identification No.: \_\_\_\_\_ 7A)\* Social Security No.: \_\_\_\_\_

8) Attended Law School at: \_\_\_\_\_

9) Date of Admission: A) Northern District of New York: \_\_\_\_\_  
B) New York State: \_\_\_\_\_  
C) Other: \_\_\_\_\_

10) I have experience in the following types of cases:

\_\_\_\_ Civil Rights (42 USC 1983) \_\_\_\_ Criminal \_\_\_\_ Medical Malpractice \_\_\_\_ Social Security

\_\_\_\_ Employment Discrimination \_\_\_\_ Education Law \_\_\_\_ Personal Injury

\_\_\_\_ Other \_\_\_\_\_

*\*IF USING A LAW FIRM EMPLOYER IDENTIFICATION NUMBER, YOU MUST ALSO PROVIDE YOUR SOCIAL SECURITY NUMBER*

**11) Experience: (Identify Federal or State and the number of trials in the last two years)**

**A) CRIMINAL TRIAL EXPERIENCE:**

1) Felony:\_\_\_\_\_ Federal:\_\_\_\_\_ # of Trials:\_\_\_\_\_ State:\_\_\_\_\_ # of Trials:\_\_\_\_\_

2) Misdemeanor:\_\_\_\_\_ Federal:\_\_\_\_\_ # of Trials:\_\_\_\_\_ State:\_\_\_\_\_ # of Trials:\_\_\_\_\_

**B) CIVIL TRIAL EXPERIENCE:**

1) Federal:\_\_\_\_\_ # of Trials:\_\_\_\_\_ State:\_\_\_\_\_ # of Trials:\_\_\_\_\_

**C) APPELLATE EXPERIENCE:**

1) Federal:\_\_\_\_\_ # of Appeals:\_\_\_\_\_ State:\_\_\_\_\_ # of Appeals:\_\_\_\_\_

**D) Other Relevant Training or Experience:**\_\_\_\_\_

**12) Please list any other pertinent data such as primary area of practice, public positions, etc.**

\_\_\_\_\_

**13) Have you completed any courses on the Sentencing Guidelines? YES / NO Date:\_\_\_\_\_**

**Have you completed any courses on the Bail Reform Act? YES / NO Date:\_\_\_\_\_**

**14) I would prefer assignment of cases in the following regional areas of the Northern District of New York:**

\_\_\_\_\_Albany \_\_\_\_\_Binghamton \_\_\_\_\_Syracuse

\_\_\_\_\_Utica \_\_\_\_\_Watertown \_\_\_\_\_No Preference

**15) I am fluent in a foreign language(s): YES / NO Specify:\_\_\_\_\_**

**16) The Local Rules of the NDNY require all CJA members to also participate on the Pro Bono Panel. You may, however, elect to be only a member of the Pro Bono Panel.**

\_\_\_\_\_ 1) I do not wish to be placed on the CJA Panel, this application is submitted only as an application for the Pro Bono Panel.

\_\_\_\_\_ 2) I am willing to serve as support counsel for another attorney in a Pro Bono Civil assignment.

\_\_\_\_\_ 3) I request support counsel be appointed to assist me when assigned a Pro Bono Civil case.

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**FOR OFFICE USE ONLY**

**APPROVED:**\_\_\_\_\_ **DATE:**\_\_\_\_\_

\_\_\_\_\_ UNITED STATES DISTRICT COURT JUDGE

\_\_\_\_\_ UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

**PRO BONO FUND VOUCHER  
AND REQUEST FOR REIMBURSEMENT**

I, \_\_\_\_\_, duly appointed as counsel pro bono to represent \_\_\_\_\_ in the matter of \_\_\_\_\_ v. \_\_\_\_\_, Civil Action No. \_\_\_\_-CV-\_\_\_\_, hereby request reimbursement pursuant to Local Rule 83.3 for expenses incurred in the representation of my pro bono client in the amount of \$\_\_\_\_\_.

I certify that the expenses, a detailed copy of which are attached hereto, are reasonable and necessary. I further understand that absent prior approval of the court, cumulative expenses in this matter will not exceed \$1,200.00.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Counsel Pro Bono

The above application of counsel pro bono appointed by the undersigned is fair and reasonable and payment is requested from the Northern District of New York's Pro Bono Fund.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Appointing Judge

IT IS SO ORDERED.

DATED: \_\_\_\_\_  
AT: \_\_\_\_\_, New York

\_\_\_\_\_  
Chief U.S. District Judge

ALL **NON-DISPOSITIVE** MOTIONS ARE TO BE MADE RETURNABLE ON A SUBMIT BASIS BEFORE THE ASSIGNED **MAGISTRATE JUDGE**. \*PLEASE SEND THE ORIGINAL PAPERS TO THE OFFICE OF THE CLERK AS CHECKED ON PAGE #2 OF THIS FORM.

**\*\* ALL MOTIONS FILED AND MADE RETURNABLE BEFORE MAGISTRATE JUDGES WILL BE TAKEN ON A SUBMIT BASIS UNLESS: THE PARTIES REQUEST ORAL ARGUMENT AND/OR THE COURT DIRECTS THE PARTIES TO APPEAR FOR ORAL ARGUMENT.**

JUDGE KAHN, SENIOR JUDGE McCURN AND SENIOR JUDGE MUNSON WILL NOT HAVE REGULAR MOTION DAYS DURING THE MONTH OF AUGUST. JUDGE McAVOY WILL NOT HAVE REGULAR MOTION DAYS DURING THE MONTH OF JULY.

MOTIONS MAY NOT BE FILED WITHOUT PRIOR APPROVAL OF THE COURT DURING THESE PERIODS.

### MONTHLY MOTION SCHEDULES

|                                                                                                                                                                                                                                                                       |                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CHIEF JUDGE FREDERICK J. SCULLIN, JR.</b><br>Please contact the Clerk's Office in Syracuse at (315) 234-8507 or 8500 for a listing of upcoming motion days and times for Chief Judge Scullin's motion days in Syracuse and Albany.                                 | <b>SENIOR JUDGE NEAL P. McCURN</b><br>10:00 A.M. - 2ND AND 4TH TUESDAYS OF EACH MONTH AT SYRACUSE.<br>11:00 A.M. - 1ST TUESDAY OF EACH MONTH AT ALBANY. |
| <b>JUDGE THOMAS J. McAVOY</b><br>10:00 A.M. - 2 <sup>ND</sup> MONDAY OF EACH MONTH AT ALBANY<br>10:00 A.M. - 4 <sup>TH</sup> FRIDAY OF EACH MONTH AT BINGHAMTON                                                                                                       | <b>MAGISTRATE JUDGE GUSTAVE J. DiBIANCO</b><br>10:00 A.M. - LAST THURSDAY OF EACH MONTH AT SYRACUSE.                                                    |
| <b>JUDGE LAWRENCE E. KAHN</b><br>9:30 A.M. - 1ST AND 3RD FRIDAY OF EACH MONTH AT ALBANY.                                                                                                                                                                              | <b>MAGISTRATE JUDGE RALPH W. SMITH, JR.</b><br>9:30 A.M. - 1 ST THURSDAY OF EACH MONTH AT ALBANY.                                                       |
| <b>JUDGE NORMAN A. MORDUE</b><br>10:00 A.M. - 1ST AND 3RD WEDNESDAY OF EACH MONTH AT SYRACUSE.                                                                                                                                                                        | <b>MAGISTRATE JUDGE DAVID R. HOMER</b><br>9:30 A.M. - 3RD THURSDAY OF EACH MONTH AT ALBANY.                                                             |
| <b>JUDGE DAVID N. HURD</b><br>2 <sup>nd</sup> Friday of each month in Utica - <i>Civil motions at 10:00 a.m., Criminal motions at 2:00 p.m.</i><br>4 <sup>th</sup> Friday of each month in Albany - <i>Civil motions at 10:00 a.m., Criminal motions at 2:00 p.m.</i> | <b>MAGISTRATE JUDGE GARY L. SHARPE</b><br>9:30 A.M. - 3RD THURSDAY OF EACH MONTH AT SYRACUSE.<br>9:30 A.M. - 3RD MONDAY OF EACH MONTH AT BINGHAMTON.    |
| <b>SENIOR JUDGE HOWARD G. MUNSON</b><br>10:00 A.M. - 2ND FRIDAY OF EACH MONTH AT SYRACUSE.<br>11:00 A.M. - LAST MONDAY OF EACH MONTH AT ALBANY.                                                                                                                       | <b>MAGISTRATE JUDGE DAVID E. PEEBLES</b><br>9:30 A.M. - 2 <sup>ND</sup> AND 4 <sup>TH</sup> WEDNESDAYS AT SYRACUSE                                      |

# FEE SCHEDULE

## Filing Fees:

|                                                                                      |           |
|--------------------------------------------------------------------------------------|-----------|
| Civil Complaint (and petition for Removal)                                           | \$ 150.00 |
| Miscellaneous Filing Fees <sup>1</sup>                                               | \$ 20.00  |
| Appeal from District Court Judgement to CCA                                          | \$ 105.00 |
| Appeal from Magistrate's Judgment of Conviction to District Court (Misdemeanor Case) | \$ 25.00  |
| Application for Writ of Habeas Corpus                                                | \$ 5.00   |

## Miscellaneous Fees:

|                                                                                                                    |                          |
|--------------------------------------------------------------------------------------------------------------------|--------------------------|
| Certificate of Good Standing                                                                                       | \$ 15.00                 |
| Duplicate Certificate of Admission                                                                                 | \$ 15.00                 |
| Certificate of Conviction                                                                                          | \$ 5.00                  |
| Certification Fee <sup>2</sup> (for certifying any document or paper)                                              | \$ 5.00                  |
| Returned Check Fee                                                                                                 | \$ 25.00                 |
| Search Fee (per name or item searched)                                                                             | \$ 15.00                 |
| Photocopies (per page Court fee)                                                                                   | \$ 0.50                  |
| Admission Fee (permanent)                                                                                          | \$ 80.00                 |
| Admission Fee (pro hac vice - per case fee)                                                                        | \$ 30.00                 |
| Reproduction of a Tape Recorded Proceeding                                                                         | \$ 15.00                 |
| Transcript of Judgment                                                                                             | \$ 5.00                  |
| Retrieval of a Record from Storage (FRC Records)                                                                   | \$ 25.00                 |
| Fee for Electronic Access to Court Data (PACER)                                                                    | \$ 0.60<br>(per minute)  |
| For Each Microfiche sheet of film or microfilm jacket copy of any court record, where available                    | \$ 3.00                  |
| For filing an action brought under Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 | \$ 4,180.00 <sup>3</sup> |

ALL ABOVE LISTED FEES ARE SUBJECT TO CHANGE BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.  
(Effective date of the above fees - 12/16/97)

<sup>1</sup> Miscellaneous Filing Fees are charged for filing or indexing any paper not in a case or proceeding for which a case filing fee has been paid. This fee is applicable to the filing of a petition to perpetuate testimony, Rule 27(a), FRCP, the filing of papers by trustees under 28 U.S.C. Section 754, the filing of letters rogatory or letters of request, and registering of a judgement from another district pursuant to 28 U.S.C. Section 1963.

<sup>2</sup> For exemplification of any document or paper, twice the amount of the fee for certification.

<sup>3</sup> This fee is in addition to the filing fee prescribed in 28 U.S.C. 1914(a) for instituting a civil action other than a writ of habeas corpus.

# PACER

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The United States District Court for the Northern District of New York  
is pleased to announce the new  
**PACER** Public information access service.

## NEW DIAL-IN SERVICE

The new dial-in service allows you to retrieve electronic case summaries and information using your computer or terminal. Now you can have access to an electronic history of a case of interest, without having to even leave your office. This service is offered around the clock.

## SEARCHING

You can search for a case by participant name or case number. Once you find the case you want, you can have the case and docket information transmitted to you, ready to print on your own printer.

## TRACKING

If you are tracking the progress of a case, the PACER system allows you to quickly check if there have been any updates. This means that you can get the latest docket entries and case information when something happens; if there have been no updates, you can confirm this fact in seconds.

## AVAILABILITY

The PACER system is available days, nights, even weekends. All active and recently closed cases are yours for the asking, without having to make repeated trips to the court to review paper records.

## WHAT YOU NEED

- \* A computer, personal computer, or terminal.
- \* A 2400 or 1200 baud modem.
- \* Terminal emulation software (if you are using a computer or personal computer).

## COST

The cost for the service is \$.60 cents a minute and access will be billed on a quarterly basis.

## TO REGISTER

If you would like to register please contact the PACER Service Center. The toll free number is 1-800-676-6856.

PACER Service Center  
7550 Interstate 10 West  
Suite 600  
San Antonio, TX 78229

**PUBLIC ACCESS TO COURT ELECTRONIC RECORDS  
PACER SERVICE CENTER  
REGISTRATION FORM**

*(Please Print or Type:)*

COURT: U.S. DISTRICT COURT - N.D.N.Y.

FIRM NAME: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

\_\_\_\_\_ Check here if you are registering as a U.S. Government Agency

\_\_\_\_\_ Check here if your are registered with any other court and  
list the court name and login ids assigned by each court.

\_\_\_\_\_  
\_\_\_\_\_

**PLEASE FAX THIS FORM TO - (210) 530-6255 OR MAIL TO:**

PACER SERVICE CENTER  
PACER REGISTRATION  
7550 Interstate 10 West  
Suite 600  
San Antonio, Texas 78229

**YOU WILL RECEIVE YOUR LOGIN AND PASSWORD IN THE MAIL WITHIN TWO WEEKS**

The Judicial Conference has prescribed a fee (\$.60 cents a minute) for electronic access to court data, as set forth in the Miscellaneous Fee Schedule. The schedule provides that the court may exempt persons or classes of persons from the fees for good cause shown, in order to avoid unreasonable burdens and to promote public access to such information. Exemptions should be granted as the exception, not the rule. The exemption language is intended to accommodate those users who might otherwise not have access to the information in this electronic form. All such fees collected shall be deposited to the Judiciary Automation Fund.



## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

### Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs – Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment)”.

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an “X” in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge’s decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause.

**VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demands such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

## DEFENDANTS

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

## II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

| CONTRACT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | TORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | FORFEITURE/PENALTY                                                                                                                                                                                                                                                                                                                                                                                             | BANKRUPTCY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | OTHER STATUTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury — Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury — Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 620 Copyrights<br><input type="checkbox"/> 630 Patent<br><input type="checkbox"/> 640 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1906ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS — Third Party 28 USC 7609 | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce/ICC Rates/etc.<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes<br><input type="checkbox"/> 890 Other Statutory Actions |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property                                                                                                                                                                                                                                                                                                         | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 440 Other Civil Rights<br><b>PRISONER PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><b>HABEAS CORPUS:</b><br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify) \_\_\_\_\_  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

## VIII. RELATED CASE(S) (See instructions): IF ANY

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

# United States District Court

\_\_\_\_\_  
DISTRICT OF \_\_\_\_\_

## SUMMONS IN A CIVIL CASE

**V.**

CASE NUMBER: \_\_\_\_\_

TO: (Name and address of defendant)

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(BY) DEPUTY CLERK

**RETURN OF SERVICE**

|                                                                  |       |
|------------------------------------------------------------------|-------|
| Service of the Summons and Complaint was made by me <sup>1</sup> | DATE  |
| NAME OF SERVER (PRINT)                                           | TITLE |

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

|        |          |       |
|--------|----------|-------|
| TRAVEL | SERVICES | TOTAL |
|--------|----------|-------|

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**Issued by the  
UNITED STATES DISTRICT COURT**

DISTRICT OF \_\_\_\_\_

**V.**

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: <sup>1</sup>

TO:

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

<sup>1</sup>

If action is pending in district other than district of issuance, state district under case number.

**PROOF OF SERVICE**

DATE

PLACE

**SERVED**

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.